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IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF UTAH

WORLD BOTANICAL GARDENS,  
INCORPORATED (WBGI),

Plaintiff

vs.

WALTER L. WAGNER,

Defendant

A.P. No. 13-02099  
(Bankruptcy No. 12-35494)

**OBJECTIONS TO PROPOSED  
ORDERS**

WALTER L. WAGNER,

Cross-Plaintiff

vs.

WORLD BOTANICAL GARDENS, INC.,  
KENNETH FRANCIK, PRESTON  
MICHIE, STEVE BRYANT, MARK  
ROBINSON, THOMAS YEH, ARNOLD  
RICHER, PATRICK HOLDEN, RICHER  
& OVERHOLT P.C., ROBERT STORY,  
DOES 1-10,

Cross-Defendants

FILED IN THE  
UNITED STATES  
BANKRUPTCY COURT  
DISTRICT OF UTAH  
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OBJECTIONS TO PROPOSED ORDERS

Cross-plaintiff and defendant Walter L. Wagner objects to the form of the proposed orders as follows:

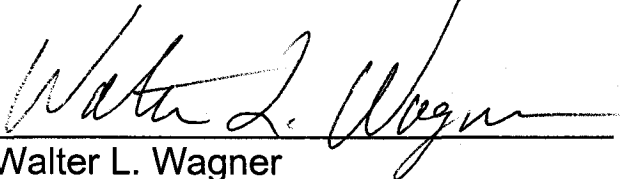
Cross-plaintiff Walter L. Wagner ("Wagner") has an adversarial cross-complaint pending against cross-defendant World Botanical Gardens, Inc. ("WBGI") in the instant action. Wagner is also a co-plaintiff in the adversarial complaint filed in WBGI's bankruptcy action it initiated in Nevada (*In re WBGI*), with Mr. Cal Andrus as the lead plaintiff. The dollar amount sought in each of those actions exceeds the dollar amount of the proposed judgment order based on the fraudulent Hawaii and Nevada "judgments". They both detail that the "judgments" sought by WBGI for exclusion from discharge were, in fact, obtained by fraud on the court, and that setting aside those "judgments" is in the interests of justice as they were obtained by criminal fraud on the part of various WBGI agents, including officers of the court. They detail that Wagner has been damaged in the amount of the judgment, and seek additional damages beyond that for malice, etc. as well as costs of court. Additionally, Wagner has a pending action in Hawaii (pending since 2004) against WBGI, stayed during the pendency of WBGI's own bankruptcy action, again with a dollar amount to exceed the proposed judgment order. That pending action was recently returned from the appellate court after four years on appeal,

followed by WBGI's staying of that suit due to its own filing of a bankruptcy petition.

Further, cross-plaintiff Wagner has, at this Court's suggestion, initiated a Special Proceeding in Hawaii pursuant to Rule 1 (special proceedings) and Rule 60 (fraud on the court) to set aside the underlying, fraudulently-obtained Hawaii "judgment", and will be initiating a similar Special Proceeding in Nevada (again, pursuant to its Rule 60 allowing set-aside for fraud on the court) to set aside the fraudulently-obtained Nevada "judgment". Upon completion of the setting aside of those frauds, Wagner will be returning those results to this Court and the Nevada bankruptcy court.

Accordingly, Wagner objects to the classification of the proposed order as being a "final" order, as the action is yet pending on the cross-complaint, for which Wagner expects to obtain a judgment in greater value, leaving the named cross-defendants owing Wagner for their frauds on the court and their fraudulent attempt to collect on their frauds.

DATED: November 25, 2013

  
Walter L. Wagner